IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 19232 of 2007(M)

PETITIONER:

SRI.A.CHANDRAN, U.D.CLERK,
I.T.D. PROJECT OFFICE, NILAMBUR.

BY ADV. SRI.JOHN K.GEORGE

RESPONDENTS:

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1. THE DIRECTOR, SCHEDULED TRIBE
DEVELOPMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. P.MUNDAN, HOUSE NO.42, JAWAHAR COLONY,
VELIYAMTHODU, CHANDAKUNNU P.O., NILAMBUR.

BY GOVERNMENT PLEADER SRI.P.SANTHOSH KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.19232 of 2007 (M)

Dated this the 22nd June, 2007.

JUDGMENT

The petitioner is an Upper Division Clerk, working in I.T.D. Project Office, Nilambur. Now, he has been transferred by Ext.P1 order to Model Residential School, Idukki. This writ petition is filed, challenging Ext.P1. According to the petitioner, he is being transferred based on certain allegations. He has not been put on notice regarding the allegations, or given an opportunity to represent against the same. So, the transfer is, in effect, a punishment. Therefore, it is liable to be set aside, it submitted.

2. Heard the learned Government Pleader for the respondent. A reading of the impugned order shows that there was some allegations regarding corruption in the construction of residential buildings for the Scheduled Tribe in Chaliyar Grama Panchayat. There was a petition before the Lokayuktha and the Lokayuktha ordered to hold a vigilance enquiry into the allegations. The Vigilance Officer has recommended to transfer the petitioner from I.T.D. Project, Nilambur. It is based on the recommendations of the Vigilance

Officer that the petitioner has been transferred out. By the transfer, none of the legal rights of the petitioner has been affected.

3. This Court can interfere with a transfer, only if the same illegal or vitiated by mala fides. Going by Ext.P1, I find that it cannot said to be illegal. It is an order passed in public interest. Since the transfer does not affect any of the legal rights of the petitioner, it is not necessary to issue notice to him or afford him an opportunity to represent. In fact a favour has been done to the petitioner. The petitioner could have been kept under suspension, pending further enquiry into the allegations against him.

I find that no ground has been made out in this writ petition to interfere with the transfer. The writ petition, therefore, fails and is, accordingly, dismissed. If the petitioner has a case that the allegations against him are unfounded, he will be free to invoke the appellate remedy against Ext.P1. The dismissal of this writ petition will not affect the said right of the petitioner.

K. BALAKRISHNAN NAIR,
JUDGE.

vav.